

IN THE SENATE OF THE UNITED STATES

MAY 5, 1858.—Ordered to be printed.

Mr. IVERSON submitted the following

REPORT.

The Committee on Claims, to whom was referred the memorial of Daniel J. Browne, report :

This claim is for compensation for extra services performed in the agricultural bureau of the Patent Office, principally in preparing and superintending the printing of the annual report on agriculture. He was appointed to this duty in June, 1853, at a salary of \$1,500 per annum, which was increased in 1855 to \$2,000 per annum. The reason assigned for the smallness of the original compensation was, that the amount of appropriation applicable to the agricultural branch of the office would not admit of a higher rate.

The memorialist states that, from the time of his appointment, he has been charged with collating or composing, and making up the agricultural report; procuring the designs for the necessary illustrations, and with the superintendence of its execution through the press. It is evident, from an inspection of the successive works, that great labor and industry—much beyond that required of ordinary clerks—must have been bestowed by Mr. Browne upon these reports. The statement of Mr. Shugert, the chief clerk of the Patent Office, and others, are clear on this point. Mr. Shugert says that Mr. Browne “has had the direct charge and supervision of the agricultural division of the office for nearly five years, during which he has devoted much time, after the usual hours of closing business in the various departments in this city, in writing and arranging the matter for the agricultural reports, and superintending the printing of the same. I would further state, that the work thus performed was necessary, and that most of it, if not all, could not have been done in office hours.” This statement is fully sustained by those of the various persons cognizant of the facts. The memorialist asks an additional compensation of \$3 per day for these extra services.

The committee are not aware that any allowance has heretofore been made to any head of bureau or other clerk in any of the public offices for and on account of extra attention to the duties of their office voluntarily performed. In the discharge of the duties which devolve upon the incumbents of the offices, it often happens, from the pressure

of business or some public exigency, that the officers are obliged to work out of office hours—sometimes for a longer and sometimes for a shorter period. These services are not imposed by Executive order or by the command of any head of department, but are generally undertaken from a sense of duty of the clerk or other officer. The public service often requires it, and every office is accepted with the full knowledge that such extra services may be and often are required, and that the officers are expected to render them when necessary and proper. No unexpected or forced burden is therefore borne, and no additional compensation is either promised or looked for. Were the government to establish the rule to pay for all such extra services, it would, doubtless, lead to the neglect of duty in office hours, in order to create an apparent necessity and excuse for performing labor out of those hours for the purpose of getting additional pay. Such a practice would add largely to the expenses of the government, and lead to manifold abuses. In cases where laborers and other subordinate employés of those offices are compelled to perform extra labor out of office hours, at the command of heads of bureaus or departments, it would be fair and just that something should be allowed for such extra services. In such cases the labor is menial and compulsory, and ought not to be exacted without additional pay. But when clerks or other officers voluntarily do these extra services to keep up the current business of their offices, or to meet a sudden or unexpected call upon their time and labor, no additional compensation ought to be allowed. The committee, therefore, cannot recommend the allowance of the extra pay asked for by the claimant.

If this claim were allowed, it would open the door for hundreds of similar applications for past services rendered, and involve an expenditure of hundreds of thousands of dollars to satisfy them, besides setting a precedent for the future.

The committee, however, are satisfied from the evidence in the case that Mr. Browne has rendered laborious and valuable services in his department—more, much more, than he was called on to perform by the obligations of his office; and he deserves great credit for the assiduity and ability with which he has managed the office under his charge. His salary for several years was unequal to the service performed, owing to the want of funds out of which to pay the proper amount. As stated in the petition, he is now receiving a salary of \$2,000 per annum. He has certainly earned that much during his service in the office. The sum necessary to make up his salary to \$2,000 per annum from the time he took the office to this time is \$567, which the committee think ought to be paid to him, and for which they would report a bill if they did not suppose that the head of the bureau (or department) has the power to so enlarge his compensation out of the funds annually appropriated by Congress as to remunerate him, in some measure, for the extraordinary labor which he has bestowed upon the business of his office.

The committee are satisfied that the department ought either to enlarge Mr. Browne's salary or make up his back pay equal to the highest salary paid in any of the departments for a similar grade of service.

This claim for back pay or enlarged salary is strengthened by the fact that much of Mr. Browne's time, out of office hours, has been devoted to the superintendence of the publication of the Patent Office Report, a labor which he was not necessarily obliged to perform, but which a laudable pride and praiseworthy interest in the matter induced him to volunteer and discharge, and which could not, probably, have been so well performed by any other person. The committee have no hesitation in commending the case and claims of Mr. Browne to the most favorable consideration of the Department of the Interior.

